

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

BOBBY SHAWN JANOE,  
 Petitioner,  
 v.  
 L.E. SCRIBNER, Warden, et al.,  
 Respondents.

Civil No. 08-0420 JLS (POR)

**ORDER GRANTING REQUEST FOR  
 EXTENSION OF TIME TO RESPOND  
 TO PETITION [Doc. No. 8.]**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On March 18, 2008, this court ordered that Respondent shall file a motion to dismiss on or before May 1, 2008, or an answer on or before May 16, 2008. On May 15, 2008, Respondent filed a request for an enlargement of time, until July 14, 2008, to respond to the petition. (Dkt. No. 8). Attached to Respondent's motion is the supporting declaration of Deputy Attorney General Kim Aarons. (Dkt. No. 8-2.)

Aarons' declaration represents that her work on this case has been impeded because she has not yet received all the records that she has requested from Petitioner's correctional facility. For good cause shown, and in the interests of properly resolving the issues raised in the Petition, the Court grants Respondent's request. Accordingly, **IT IS HEREBY ORDERED:**

1. Respondent shall file and serve an answer to the Petition or a motion to dismiss pursuant to Rule 5 of the Rules Governing § 2254 Cases no later than **July 14, 2008**. At the time the

1 answer is filed, Respondent shall lodge with the Court all records bearing on the merits of  
2 Petitioner's claims. The lodgments shall be accompanied by a notice of lodgment which shall be  
3 captioned "**Notice of Lodgment in 28 U.S.C. § 2254 Habeas Corpus Case — To Be Sent to**  
4 **Clerk's Office.**"

5 2. Petitioner may file a traverse to matters raised in the answer, or opposition to any  
6 motion to dismiss, no later than **August 14, 2008**. Any traverse by Petitioner (a) shall state whether  
7 Petitioner admits or denies each allegation of fact contained in the answer; (b) shall be limited to  
8 facts or arguments responsive to matters raised in the answer; and (c) shall not raise new grounds for  
9 relief that were not asserted in the Petition. Grounds for relief withheld until the traverse will not be  
10 considered. No traverse shall exceed 10 pages in length absent advance leave of Court for good  
11 cause shown.

12 3. A request by a party for an extension of time within which to file any of the pleadings  
13 required by this Order should be made in advance of the due date of the pleading, and the Court will  
14 grant such a request only upon a showing of good cause. Any such request shall be accompanied by  
15 a declaration under penalty of perjury explaining why an extension of time is necessary.

16 4. Unless otherwise ordered by the Court, this case shall be deemed submitted on the  
17 day following the date Petitioner's traverse is due.

18 **IT IS SO ORDERED.**

19  
20 DATED: May 19, 2008

21   
22 LOUISA S PORTER  
23 United States Magistrate Judge

24 cc: All parties  
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